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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS HEALTH AND WELFARE
TRUST; THE BOARD OF TRUSTEES OF
THE CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST; THE
BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS VACATION TRUST; and THE
BOARD OF TRUSTEES OF THE SOUTHERN
NEVADA LABORERS LOCAL 872
TRAINING TRUST,

Plaintiffs,

v.

WILDHORSE INVESTMENTS, INC. dba
BLACK CANYON CONSTRUCTION, a
Nevada corporation; WESTERN NATIONAL
MUTUAL INSURANCE COMPANY, a
Minnesota corporation,

Defendant.

Case No.: 2:23-cv-01122-APG-MDC

**STIPULATION AND ORDER
REGARDING DATE FOR
DEFENDANTS TO RESPOND TO
FIRST AMENDED COMPLAINT**

[FIRST REQUEST]

Plaintiffs Board of Trustees of the Construction Industry and Laborers Health and
Welfare Trust; the Board of Trustees of the Construction Industry and Laborers Joint Pension
Trust; the Board of Trustees of the Construction Industry and Laborers Vacation Trust; and the

1 Board of Trustees of the Southern Nevada Laborers Local 872 Training Trust (“Laborers Joint
2 Trust Funds”) and Defendant Wildhorse Investments, Inc. dba Black Canyon Construction
3 (“Black Canyon”), by and through their undersigned counsel, hereby stipulate and request that
4 Black Canyon be granted a twenty-one (21) day extension to file its response to the Laborers
5 Joint Trust Funds’ First Amended Complaint, moving the deadline from April 10, 2024, to May
6 1, 2024.
7

8 The Laborers Joint Trust Funds filed their First Amended Complaint on March 27, 2024.
9 ECF No. 48. After the Laborers Joint Trust Funds serve Defendant Western National Mutual
10 Insurance Company with the First Amended Complaint, Black Canyon believes that it will
11 receive a tender of defense from Western National Mutual Insurance Company. Defendants
12 Black Canyon and Western National Mutual Insurance Company plan to file a joint Motion to
13 Dismiss or Alternatively, Motion for Summary Judgment. The extension will likely permit Black
14 Canyon the time to receive the tender of defense, permitting the Defendants to consolidate their
15 positions in one brief instead of two filed at two different times. Similarly, this will permit the
16 Laborers Joint Trust Funds to file one opposition.
17

18 This first request for an extension of time is not for the purposes of delay but to
19 consolidate into one document the Motion to Dismiss or Alternatively, Motion for Summary
20 Judgment, thereby conserving the Parties’ and the Court’s resources. The Parties therefore
21 respectfully request that the Court extend Black Canyon’s deadline to respond to the First
22 Amended Complaint until May 1, 2024. If Black Canyon does not receive the offer from
23 Western National to tender the defense, the Parties will meet and confer prior to the expiration of
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Black Canyon's May 1, 2024, deadline to respond to the Trust Funds' First Amended Complaint.

Dated this 1st day of April, 2024.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

MALANI L. KOTCHKA, LLC

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Black Canyon Construction

ORDER

IT IS SO ORDERED.



United States Magistrate Judge

Dated: 4-4-24